

REMARKS

Reconsideration and allowance of the claims are requested in view of the above amendments and the following remarks. Claims 5, 14, 31, 33, 36, 37, 42 and 46–48 have been amended. Support for the claim amendments may be found in the specification and claims as originally filed. For example, support for the amendments to claims 5, 14, 31, 33, 36, 37 and 42 may be found in the specification at least at paragraphs 9, 54, 58 and 141. Additionally, for example, support for the amendments to claims 46–48 may be found in the specification at least at paragraphs 11 and 97. No new matter has been added. Claims 1–4 have been canceled.

Upon entry of this amendment, claims 5–48 will be pending in the present application, with claims 5, 14, 31, 33, 36, 37, 42 and 46–48 being independent.

1. Rejections under 35 U.S.C. 102

Claims 1–4 are rejected under 35 U.S.C. 102(e) as being anticipated by Alexander et al. (6,177,931). Applicants respectfully traverse this rejection for at least the following reasons.

Although applicants do not agree with the assertions in the Office Action regarding Alexander et al., for purposes of economy of prosecution, claims 1–4 have been canceled without prejudice or disclaimer. Therefore, the rejection of claims 1–4 is rendered moot.

For at least the reasons above, reconsideration and withdrawal of the rejection of claims 1–4 under 35 U.S.C. 102(e) are respectfully requested.

2. Rejections under 35 U.S.C. 103**A. Rejections Based on Alexander et al.**

Type of Response: Amendment
Application Number: 10/052,111
Attorney Docket Number: 164052.04
Filing Date: January 17, 2002

Claims 46–48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. Applicants respectfully traverse this rejection for at least the following reasons.

The Office Action on page 4 asserts that Alexander et al. discloses “processing the enhanced alert data to determine an extended recording time for the broadcast program and automatically changing the record time of the broadcast program to the extended record time” (citing col. 11, line 9 – col. 12, line 21). The Office Action also asserts that Alexander et al. teaches “a receiver which automatically receives an alert as to the duration of a program to be recorded and automatically adjust settings to compensate for the extended duration” (no cite in reference indicated). Applicants respectfully disagree.

Alexander et al. discloses recording a particular program “regularly” by providing a viewer with the option of instructing a VCR control system to record a particular program on a selected channel at a selected time slot any day of the week that the program is telecast (see col. 11, lines 9–16). Alexander et al. also discloses an EPG record function in which a viewer is asked to select a record–scheduling option, such as once, daily, weekly or regularly, as well as the option to skip recording of the program one time (see col. 11, lines 45–52). In each of these aspects, the viewer must provide instructions or requests to record a program. However, Alexander et al. fails to disclose or suggest automatically recording a program based on a viewer’s interests, without specific requests from the viewer to record the program.

Additionally, Alexander et al. discloses an automatic record list update in which an EPG will detect changes in program scheduling as compared to record instructions for particular program titles designated for recording. When the EPG detects program scheduling changes, a Record List is automatically updated with the schedule change information so that the programs to be recorded can be recorded at new updated times

Type of Response: Amendment
Application Number: 10/052,111
Attorney Docket Number: 164052.04
Filing Date: January 17, 2002

(not new updated durations). So, for example, if a sports event runs longer than originally scheduled, scheduling update information is used to update a recording list to permit recording of any programs that follow the sports program at new updated times (see col. 11, line 64 – col. 12, line 9). However, Alexander et al. fails to teach or suggest automatically changing the duration of a record time for a program, or automatically recording a program for an altered duration of a record time.

Furthermore, Alexander et al. discloses record instruction conflict resolution in which if the EPG detects an overlap in date, time and duration between a newly received instruction and one or more preexisting record instructions in a Record List, the EPG formats a message to the viewer describing the conflict (see col. 12, lines 60–64). However, Alexander et al. does not teach or suggest that conflicts are resolved by automatically changing durations of record times, or automatically recording for altered durations of record times.

Therefore, Alexander et al. fails to disclose or suggest a method for extending a duration of a record time of a broadcast program being recorded by Digital Video Recording apparatus comprising the steps of: receiving an enhanced user alert during the broadcast program and at least one unique event identifier associating the user alert with the broadcast program; processing the user alert to determine an extended record time duration for the broadcast program; and automatically changing the duration of the record time of the broadcast program to the extended record time duration, as included in amended claim 46.

Similarly, Alexander et al. fails to disclose or suggest a method for altering a duration of a determined record time of a televised sporting event in a Digital Video Recording system comprising the steps of: receiving a user alert containing metadata concerning the duration for the sporting event and a unique event identifier associating the user alert with the televised sporting event; processing the user alert to determine

an altered duration of the record time for the televised sporting event; and automatically recording the televised sporting event for the altered duration of the record time, as included in amended claim 47.

Furthermore, Alexander et al. fails to disclose or suggest a method for automatically recording a televised event in a Digital Video Recording system comprising the steps of: receiving a speculative user alert concerning a televised event and at least one event identifier associating the speculative user alert with the televised event; processing the speculative user alert by the Digital Video Recording system; determining by the Digital Video Recording system that the event is to be recorded based on information contained in the speculative user alert; and automatically recording the televised event, wherein the speculative user alert causes the Digital Video Recording system to record the televised event based on interests of the user without specific requests from the user to record the televised event, as included in amended claim 48.

Therefore, since Alexander et al. fails to disclose or suggest every element of claims 46–48, these claims are allowable.

For at least the reasons above, reconsideration and withdrawal of the rejection of claims 46–48 under 35 U.S.C. 103(a) are respectfully requested.

B. Rejections Based on Alexander et al. and Pierre et al.

Claims 5–45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. in view of Pierre et al. (7,000,245). Applicants respectfully traverse this rejection for at least the following reasons.

The Office Action on page 6 concedes that Alexander et al. fails to disclose “associating one of the program indices with at least one stored program segment”. The Office Action asserts that Pierre et al. discloses this element. Applicants respectfully disagree with this assertion regarding Pierre et al.

Type of Response: Amendment
Application Number: 10/052,111
Attorney Docket Number: 164052.04
Filing Date: January 17, 2002

Pierre et al. discloses a system and method for storing pushed data content broadcast in an interactive television system, wherein the data is stored as a set of files rather than as a data stream (see col. 1, lines 13–16; col. 4, lines 24–26). Pierre et al. discloses that a broadcast station 12 transmits data objects of a program cyclically as a carousel (i.e., in the form of a data stream) to a receiving station 14. The receiving station 14 converts the data stream back into data objects (see col. 4, line 63 – col. 5, line 7). The data objects may be stored in a mass storage device 16 as files that can be individually accessed or updated (see col. 7, lines 20–23). The transmitted data from the broadcast station may comprise a file table or directory that identifies the data objects which form the program. The file table or directory can be used by the receiving station to parse and store the data objects, as well as being used to retrieve the data objects when the program is replayed (see col. 3, lines 18–22).

In regards to claim 5, the Office Action appears to interpret “program indices” recited in the claim with the data objects disclosed in Pierre et al. If this interpretation is carried out to its logical conclusion, the data objects would have to be associated with at least one program segment. However, as discussed above, Pierre et al. discloses that the data objects themselves form the program and, therefore, comprise segments of the program. Pierre et al. does not teach associating the data objects with separate program segments. Therefore, Pierre et al. fails to teach or suggest the elements of associating one of the program indices with the at least one program segment, as recited in independent claim 5. Independent claims 31, 33, 36, 37 and 42 include similar elements.

Furthermore, Alexander et al. and Pierre et al., alone or in combination, fail to disclose or suggest the elements of receiving dynamic content including a plurality of program indices corresponding to predetermined time logs for at least one of the programs in the television programming, wherein the program indices are developed

Type of Response: Amendment
Application Number: 10/052,111
Attorney Docket Number: 164052.04
Filing Date: January 17, 2002

according to one or more rules that apply to a particular type of event captured by the television programming or according to user defined preferences, as included in claim 5 as amended. Independent claims 14, 31, 33, 36, 37 and 42 have been similarly amended.

Therefore, since Alexander et al. and Pierre et al., alone or in combination, fail to disclose or suggest every element of claims 5, 14, 31, 33, 36, 37 and 42, these claims are allowable.

Claims 6–13 depend from claim 5. Claims 15–30 depend from claim 14. Claim 32 depends from claim 31. Claims 34–35 depend from claim 33. Claims 38–41 depend from claim 37. Claims 43–45 depend from claim 42. As discussed above, claims 5, 14, 31, 33, 37 and 42 are allowable. For at least this reason, and the additional features recited therein, claims 6–13, 15–30, 32, 34–35, 38–41 and 43–45 are also allowable.

For at least the reasons above, reconsideration and withdrawal of the rejection of claims 5–45 under 35 U.S.C. 103(a) are respectfully requested.

3. Conclusion

Accordingly, in view of the above amendments and remarks it is submitted that the claims are patentably distinct over the prior art and that all the rejections to the claims have been overcome. Reconsideration and reexamination of the present application is requested. Based on the foregoing, applicants respectfully request that the pending claims be allowed, and that a timely Notice of Allowance be issued in this case. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the applicants' attorney at the telephone number listed below.

Type of Response: Amendment
Application Number: 10/052,111
Attorney Docket Number: 164052.04
Filing Date: January 17, 2002

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an enclosed check please charge any deficiency to Deposit Account No. 50-0463.

Respectfully submitted,
Microsoft Corporation

Date: January 18, 2007

By: 

Sung T. Kim, Reg. No.: 45,398
Attorney for Applicants
Direct telephone: (703) 647-6574
Microsoft Corporation
One Microsoft Way
Redmond WA 98052-6399

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being electronically deposited with the USPTO via EFS-Web on the date shown below:

January 18, 2007
Date


Signature

Kate Marochkina
Type or Print Name

Type of Response: Amendment
Application Number: 10/052,111
Attorney Docket Number: 164052.04
Filing Date: January 17, 2002